

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW CURTIS ANDERSON,

Defendant.

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CRIMINAL ACTION NO. 4:15-CR-117

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 3, 2016, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Andrew Stover.

On March 17, 2016, Defendant was sentenced by the Honorable United States District Judge Amos L. Mazzant of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Possess with Intent to Distribute Heroin. Defendant was sentenced to 60 months imprisonment, with credit for time served in 4:10cr199, fine is waived, special assessment of \$100.00, with credit for special assessment paid in 4:10cr199, supervised release for 3 years, credit for supervised release already served. .

On March 17, 2016, Defendant completed his period of imprisonment and began service of his term of supervised release.

On September 9, 2016, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 10 Sealed]. The Petition asserted that Defendant violated four (4) conditions of supervision, as follows: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer; and (4) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following acts: (1) and (2) On March 28, 2016, Defendant submitted a urine specimen that tested positive for benzodiazepine; oxycodone; opiates; and marijuana. Defendant signed a written admission to using each substance. On June 8, June 21, and July 13, 2016, Defendant submitted urine specimens that tested positive for codeine, hydromorphone, and morphine, as confirmed by Alere Toxicology Services. On June 13, June 23, July 18, and July 20, 2016, Defendant submitted urine specimens that tested positive for codeine and morphine, as confirmed by Alere Toxicology Services; (3) Defendant failed to submit a monthly supervision report for the months of May, July, and August, 2016, as instructed. Defendant failed to report in person to the U.S. Probation Office on August 15, 2016, as instructed; and (4) Defendant failed to attend drug aftercare counseling at Addiction Recovery Center, in Lewisville TX, on June 9; June 27; July 14; July 21; and July 28, 2016, as instructed. Defendant failed to submit to random drug testing at Addiction Recovery

Center on July 8; July 28; August 10; August 12; August 24; August 26; and August 31, 2016, as instructed.

Prior to the Government putting on its case, Defendant entered a plea of true to all the allegations of the Petition. Having considered the Petition and the plea of true to allegations one (1), two (2), three (3), and four (4), the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fourteen (14) months, with no term of supervised release to follow.

SIGNED this 6th day of October, 2016.

A handwritten signature in black ink, appearing to read 'C.A. Nowak', is written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE